



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

APR 04 2007

REPLY TO THE ATTENTION OF  
(AE-17J)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Zane Ward  
Owner  
Azimow and Culbertson Scrap Company  
206 South Curve Street  
Alexandria, IN 46001

**Re: Finding of Violation**

Dear Mr. Ward:

This is to advise you that the United States Environmental Protection Agency ("we" or "U.S. EPA") has determined that Azimow and Culbertson Scrap Company ("you" or "Azimow"), located at 206 South Curve Street, Alexandria, Indiana, is in violation of the Clean Air Act ("CAA"). A list of the requirements violated is provided in the attached Finding of Violation ("FOV"). The U.S. EPA is today issuing an FOV to Azimow for these violations.

The CAA requires the U.S. EPA to develop National Emission Standards for Hazardous Air Pollutants ("NESHAP") to protect the public from emissions of Hazardous Air Pollutants. The Secondary Aluminum Production NESHAP, located at 40 C.F.R. Part 63, Subpart RRR, contains requirements that apply to owners and operators of, in relevant part, establishments using aluminum scrap as the raw material and performing furnace operations (i.e., melting, holding, sweating, refining, fluxing, or alloying).

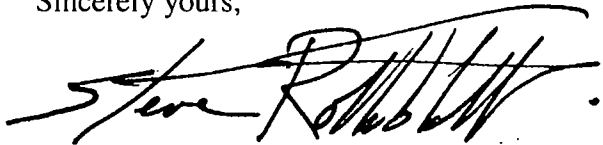
Azimow, as the owner and operator of a furnace that melts aluminum scrap, is subject to the requirements of the NESHAP. The purpose of the NESHAP, as it applies to Azimow's furnace, is to protect the public from emissions of dioxins and furans. Exposure to dioxins and furans increases the likelihood of developing cancer, and can result in other acute and chronic health effects. A list of the NESHAP requirements Azimow violated is provided in the attached FOV, and includes: the failure to conduct a stack test to determine compliance dioxin and furan emission limit; the failure to prepare and implement a written operation, maintenance, and monitoring plan; the failure develop and implement a written site-specific monitoring plan; and the failure to submit compliance status reports. These violations constitute violations of the CAA.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order; issuing an administrative penalty order; bringing a judicial civil action; and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Azimow to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV.

Before we decide which enforcement option is appropriate, we are offering you the opportunity to request a conference with us to discuss the violations listed in the FOV. This conference will provide you with a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for Azimow's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Lynne Roberts. You may call her at (312) 886-0250, if you wish to request a conference. The U.S. EPA hopes that this FOV will encourage Azimow's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt", with a stylized flourish at the end.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Craig Henry, IDEM

**The United States Environmental Protection Agency  
Region 5**

|                                     |   |                      |
|-------------------------------------|---|----------------------|
| IN THE MATTER OF:                   | ) |                      |
| Azimow and Culbertson Scrap Company | ) | FINDING OF VIOLATION |
| Alexandria, Indiana                 | ) | EPA-5-07-09-IN       |
| Proceedings Pursuant to             | ) |                      |
| the Clean Air Act,                  | ) |                      |
| 42 U.S.C. §§ 7401 <i>et seq.</i>    | ) |                      |

**FINDING OF VIOLATION**

Azimow and Culbertson Scrap Company (“you” or “Azimow”) owns and operates an aluminum scrap melting furnace subject to the requirements of the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Secondary Aluminum Production facilities, 40 C.F.R. Part 63, Subpart RRR. The United States Environmental Protection Agency (“U.S. EPA”) has determined that Azimow has violated a number of the NESHAP requirements that apply to Azimow’s furnace. A list and explanations of the violated requirements is provided below. The listed violations constitute violations of the Clean Air Act (“CAA”).

The U.S. EPA Region 5 is providing you with the opportunity to request a conference with us to discuss the violations listed in this FOV. This conference will provide you with a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Azimow’s technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

**Explanation of Violations**

The regulatory requirements and violations relevant to this FOV are as follows:

1. On March 23, 2000, as required by Section 112(d) of the CAA, 42 U.S.C. § 7412, the U.S. EPA promulgated the Secondary Aluminum Production NESHAP. The Secondary Aluminum Production NESHAP, as amended, is codified at 40 C.F.R. Part 63, Subpart RRR, §§ 63.1500-63.1519.
2. Azimow, at its Alexandria, Indiana facility operates one propane-fired secondary aluminum crucible furnace for melting scrap aluminum, constructed in 1993, with a maximum melting capacity of 200 pounds per hour of scrap metal. Azimow

uses no flux in the furnace and melts aluminum scrap containing paint, lubricants, coatings, or other foreign materials. Azimow's facility is an "area source" of Hazardous Air Pollutants.

3. Azimow was and is required to comply with the requirements of the NESHAP as the owner and operator of a secondary aluminum production facility. 40 C.F.R. § 1500(a). A secondary aluminum production facility is defined, in relevant part, as "any establishment using . . . aluminum scrap . . . as the raw material and performing . . . furnace operations (i.e., melting, holding, sweating, refining, fluxing, or alloying) . . . ." 40 C.F.R. § 63.1503.
4. Azimow owns and operates an "existing secondary aluminum processing unit" containing a "group 1 furnace" without an "add-on air pollution control device." An "existing secondary aluminum process unit" is defined as "all existing group 1 furnaces and all existing in-line fluxers within a secondary aluminum production facility," constructed before February 11, 1999. 40 C.F.R. § 63.1503. A "group 1 furnace" is defined as "furnace of any design that melts, holds, or process aluminum that contains paint, lubricants, coatings, or other foreign materials with or without reactive fluxing, or process clean charge with reactive fluxing." 40 C.F.R. § 63.1503. An "add-on air pollution control device" is "equipment installed on a process vent that reduces the quantity of a pollutant that is emitted to the air." 40 C.F.R. § 63.1503.
5. In particular, Azimow was and is required to comply with the NESHAP requirements pertaining to dioxin and furan ("D/F") emissions, and associated operating, monitoring, reporting and recordkeeping requirements that apply to affected sources including each existing secondary aluminum process unit containing one or more group 1 furnace emission units processing other than clean charge. 40 C.F.R. § 63.1500(c)(4).
6. Emissions of D/F Toxic Equivalents ("TEQ") from group 1 furnaces shall not exceed 15  $\mu\text{g}$  of D/F TEQ per Mg ( $2.1 \times 10^{-4}$  gr of D/F TEQ per ton) of feed/charge. 40 C.F.R. § 63.1505(i)(3), (k)(3), (k)(5).
7. Azimow violated 40 C.F.R. § 63.1511(b) by failing to conduct a stack test on its furnace to determine compliance with the D/F TEQ emission limit by March 24, 2003.
8. Azimow violated 40 C.F.R. § 63.1510(b) by failing to prepare and implement a written operation, maintenance, and monitoring plan ("OM&M") for its furnace. An OM&M plan is required to satisfy all of the requirements of § 63.1510, and Azimow was required to submit the OM&M plan by March 24, 2003.
9. Azimow violated 40 C.F.R. § 63.1510(o) by failing to develop and submit a written site-specific monitoring plan for its furnace. A site-specific monitoring plan must contain sufficient procedures to ensure continuing compliance with all

applicable emission limits and must demonstrate, based on documented test results, the relationship between emissions of D/F and the proposed monitoring parameters.

10. Azimow violated 40 C.F.R. § 63.1510(6)(b) by failing to provide and maintain a label for its furnace identifying, among other things, the emission limit and the means of compliance.
11. Azimow violated 40 C.F.R. § 63.1510(e) by failing to install, calibrate, operate, and maintain a device to measure and record the total weight of feed/charge to, or the aluminum production from, its furnace.
12. Azimow violated 40 C.F.R. § 63.1515(b) by failing to submit a notification of compliance status report by May 24, 2003. A complete notification of compliance must be signed by the responsible official who must certify its accuracy. A complete notification must include the information specified in paragraphs (1) through (10) of § 63.1515(b).
13. Azimow violated 40 C.F.R. § 63.1516(b) by failing to submit any semi annual compliance reports.

#### **Environmental Impact of Violations**

The purpose of the Secondary Aluminum Production NESHAP is to protect the public from emissions of Hazardous Air Pollutants, including in particular, emissions of dioxins and furans. Exposure to dioxins and furans increases the likelihood of developing cancer and can result in other acute and chronic health effects.

4/4/2007  
Date



Stephen Rothblatt, Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-07-09-IN, by Certified Mail, Return Receipt Requested, to:

Zane Ward, Owner  
Azimow and Culbertson Scrap Company  
206 South Curve Street  
Alexandria, Indiana 46001

I also certify that I sent copies of the Finding of Violation by first class mail to:

Craig Henry  
Office of Enforcement  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

on the 5<sup>th</sup> day of April, 2007.

CERTIFIED MAIL RECEIPT NUMBER: 70010320005 8920 2061